

SB3434



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3434

Introduced 2/14/2020, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

820 ILCS 40/7

from Ch. 48, par. 2007

Amends the Personnel Record Review Act. Provides that an individual aggrieved by a disclosure of a disciplinary report in violation of the Act may file a complaint with the Director of Labor or file an action in court within 10 years after the violation.

LRB101 20289 JLS 69831 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Personnel Record Review Act is amended by
5 changing Section 7 as follows:

6 (820 ILCS 40/7) (from Ch. 48, par. 2007)

7 Sec. 7. Disclosure of disciplinary actions.

8 (1) An employer or former employer shall not divulge a
9 disciplinary report, letter of reprimand, or other
10 disciplinary action to a third party, to a party who is not a
11 part of the employer's organization, or to a party who is not a
12 part of a labor organization representing the employee, without
13 written notice as provided in this Section.

14 (2) The written notice to the employee shall be by
15 first-class mail to the employee's last known address and shall
16 be mailed on or before the day the information is divulged.

17 (3) This Section shall not apply if:

18 (a) the employee has specifically waived written
19 notice as part of a written, signed employment application
20 with another employer;

21 (b) the disclosure is ordered to a party in a legal
22 action or arbitration; or

23 (c) information is requested by a government agency as

1 a result of a claim or complaint by an employee, or as a
2 result of a criminal investigation by such agency.

3 (4) An employer who receives a request for records of a
4 disciplinary report, letter of reprimand, or other
5 disciplinary action in relation to an employee under the
6 Freedom of Information Act may provide notification to the
7 employee in written form as described in subsection (2) or
8 through electronic mail, if available.

9 (5) An individual may file a complaint or commence an
10 action alleging a violation of this Section, as provided in
11 Section 12, within 10 years after the date of the disclosure of
12 the report, letter, or other disciplinary action.

13 (Source: P.A. 96-1212, eff. 7-22-10.)